

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Mae Mallahan Tompson,

Plaintiff,

vs.

Simone Jones, in her capacity as Realty Officer
for the Bureau of Indian Affairs, Navajo
Region,

Defendant.

COMPLAINT

Plaintiff alleges:

1. This action arises under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
2. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331.
3. The Court has personal jurisdiction over the defendants because the alleged incidents occurred within the jurisdictional boundaries of this Court. Specifically, all events described in this complaint occurred in the northern part of the State of New Mexico.
4. Simone Jones is the Realty Officer for the Navajo Region of the federal Bureau of Indian Affairs, United States Department of the Interior. Her office is in Gallup, New Mexico.
5. There is a valid judgment dated October 18, 2000 with the Navajo Nation Court, Shiprock District, under Docket No. SR-CV-469-99 concerning Land Use Permit 18-13-76 and Land Use Permit 18-05-75.
6. Plaintiff is the heir of Marjorie Mullahan, in whose favor the judgment was

entered.

7. Under the Shiprock judgment, Plaintiff has the land right to the reissuance of Land Use Permit 18-13-76.

8. Nineteen years have passed, and neither Defendant, nor her predecessors, have reissued the permit.

9. Pursuant to 25 CFR § 166.103, the BIA must comply with tribal laws regarding Navajo land use unless prohibited by federal law. No federal law prohibits restoration of the permit.

10. Plaintiff has attempted to follow all internal procedures for Defendant processing of this Navajo land right. Defendant has refused to act despite these efforts.

11. The October 18, 2000 judgment creates a property right for the Plaintiff. Defendant has caused Plaintiff to lose her property right without due process of law. This violates the Fifth Amendment of the United States Constitution.

12. Plaintiff has been damaged by this violation of her rights. Plaintiff demands damages and an injunction requiring compliance with the October 18, 2000 judgment.

RELIEF REQUESTED FROM THE COURT

WHEREFORE, Plaintiffs request the Court to enter judgment as follows:

- A. Damages; and
- B. An injunction requiring compliance with the October 18, 2000 judgment.

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